

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

IN RE:

Timothy Richard Callahan, Jr. and
Christy Ann Dahlen fka Christy A
Bowman

Case No.: 20-13160-cjf
Chapter: 13

Debtors

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY

LSF9 Master Participation Trust, its successors, servicing agents, and/or assigns (hereinafter referred to as “Movant”) by and through its attorneys, Phillip A. Norman, P.C., has filed papers to request that the Court grant it relief from the automatic stay imposed by 11 U.S.C. § 362(a) of the Bankruptcy Code.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought by the Movant in this Motion, or if you want the Court to consider your views on this Motion, then, **within fourteen (14) days of the date of this Notice**, you or your attorney must file a written objection with the Court and request a hearing. Your objection must be sent to:

Clerk, U.S. Bankruptcy Court
Western District of Wisconsin
120 North Henry Street
Madison, WI 53703-2559

If you mail your objection and request for hearing to the Court for filing, you must mail it early enough so that the Court will receive it within fourteen (14) days of the date of this Notice.

You must also mail a copy of your objection and request for hearing to the following:

Attorney Kelly M. Smith
Phillip A. Norman, P.C.
17035 W. Wisconsin Ave., Suite 150
Brookfield, WI 53005

Mark Haring, Trustee
122 West Washington Ave., Suite 500
Madison, WI 53703-2578

U.S. Trustee
780 Regent Street, Suite 304
Madison, WI 53715

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief as requested.

Dated this July 28, 2022

Phillip A. Norman, P.C.

/s/ Kelly M. Smith

Kelly M. Smith, #1067970
17035 W. Wisconsin Ave., Suite 150
Brookfield, WI 53005
Phone: 262-314-6564
E-mail: info@normanattorney.com

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MOTION FOR RELIEF FROM AUTOMATIC STAY

LSF9 Master Participation Trust, its successors, agents, and/or assigns (“Movant”) by and through its attorneys, Phillip A. Norman, P.C., moves the Court for relief from the automatic stay pursuant to 11 U.S.C. § 362(d) of the Bankruptcy Code, and in support states the following:

1. Movant is the owner and lessor of rental property located at 4941 State Road 73, Marshall, WI 53559 (“Premises”).
2. The Premises is residential real estate, with a monthly rental amount of \$1,785.00. A copy of the Renewal Lease Agreement is attached hereto as Exhibit “A” and incorporated herein by this reference.
3. On May 26, 2022, Timothy Richard Callahan, Jr. and Christy Ann Dahlen fka Christy A Bowman (collectively, “Debtors”) executed the Renewal Lease Agreement on the Premises. Said Renewal Lease Agreement renewed a lease with an original start date of November 29, 2019.
4. Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code on December 30, 2020.

5. The Amended Chapter 13 Plan filed on March 26, 2021, indicates that Debtors have an assumed residential real estate lease with the landlord, Market Place Homes, the agent for Movant.
6. An Order Confirming the Amended Chapter 13 Plan was entered on April 21, 2021.
7. Debtors currently occupy the Premises and have not made any rental payments since February 11, 2022. As of July 1, 2022, the current amount due and owing to Movant is \$11,895.00. A copy of the Resident Ledger is attached hereto as Exhibit “B” and incorporated herein by this reference.
8. In addition, reasonable attorney’s fees and filing costs not to exceed \$1,238.00 will be incurred for representation in this matter.
9. Debtors have no equity in the Premises. Debtors do not have ownership in the Premises, and the Premises is not necessary to the effective administration of the bankruptcy estate.
10. Should Movant be granted the relief requested in this Motion, any Order granting the requested relief may take effect immediately, thereby waiving the 14-day stay as described by Bankruptcy Rule 4001 (a)(3).

WHEREFORE, Movant requests:

1. An order modifying the stay of 11 U.S.C. § 362 to permit Movant to exercise its rights and remedies with respect to the Premises under its Renewal Lease Agreement and applicable nonbankruptcy law;
2. An order declaring that the relief granted herein shall survive the conversion of this case from chapter 13 to any other chapter under the Bankruptcy Code;

3. That any order entered pursuant to this Motion shall take effect immediately upon its entry thereby waiving the 14-day stay as described by Bankruptcy Rule 4001(a)(3);
4. Any further relief that the Court may deem just and equitable.

Dated July 28, 2022

Phillip A. Norman, P.C.

/s/ Kelly M. Smith

Kelly M. Smith, #1067970
17035 W. Wisconsin Ave., Suite 150
Brookfield, WI 53005
Phone: 262-314-6564
E-mail: info@normanattorney.com

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CERTIFICATE OF SERVICE

The undersigned certifies that on July 28, 2022, a copy of the Notice of Motion and Motion for Relief from the Automatic Stay was electronically filed in this case and served upon the following parties using the ECF system:

Attorney Mark A. Gauthier
633 W. Wisconsin Ave Suite 500
Milwaukee, WI 53203-1918

Mark Harring, Trustee
122 West Washington Ave., Suite 500
Madison, WI 53703-2578

U.S. Trustee
780 Regent Street, Suite 304
Madison, WI 53715

The undersigned further certifies that on the same date, a copy of the same document(s) was mailed to the following non-ECF participants:

Timothy Richard Callahan, Jr. and Christy Ann Dahlen fka Christy A Bowman
4941 State Highway 73
Marshall, WI 53559

Dated July 28, 2022

Phillip A. Norman, P.C.

/s/ Kelly M. Smith

Kelly M. Smith, #1067970
17035 W. Wisconsin Ave., Suite 150
Brookfield, WI 53005
Phone: 262-314-6564
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